

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GORDON RAY PARKER, : CIVIL ACTION
: :
Plaintiff, : :
: :
v. : NO. 05-4874
: :
TRUSTEES OF THE UNIVERSITY :
OF PENNSYLVANIA, : :
: :
Defendant. : :

ORDER

AND NOW, this 27th day of March, 2006, upon consideration of defendant's motion to dismiss (Doc. # 6) on the grounds of *res judicata*, it is hereby **ORDERED** that the motion is **DENIED**.¹

s/Anita B. Brody

ANITA B. BRODY, J.

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¹ The above-named complaint arises from new factual allegations and is therefore not *res judicata*. On February 2, 2002, plaintiff filed a complaint in this Court against defendant Trustees of the University of Pennsylvania, Civil Action No. 02-CV-567, alleging that defendant had discriminated against him on the basis of gender in failing to hire him after he had submitted his resume to defendant's website for general consideration on July 16, 2001. On August 16, 2004, I granted summary judgment to defendant, finding that plaintiff had failed to meet his burden to show that defendant's asserted reason for failing to hire him (that plaintiff had not applied to any specific positions, and therefore had not been considered for any) was merely pretextual. On September 12, 2005, plaintiff filed the above-named complaint, alleging *inter alia* that defendant had discriminated against him on the basis of gender in failing to hire him after he had specifically applied for 90-100 positions during the spring and summer of 2002, and that defendant had committed gender discrimination by creating jobs for women to the exclusion of men.

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